

DETAILED ACTION

Response to Amendment

- The amendments of claims and new claim 35 claiming the polymer prepared from monomer 14 have been found supported by the original claims.
- The previous 112 2nd rejections of claims 25-34 have been overcome by amendment.
- All previous 102 rejections have been overcome by amendment.
- The previous 102 rejection of claim 10 over Nowak et al. has been rendered moot by cancellation.
- The previous ODP rejections of claims 21-24 over 10/588232 have been **maintained**.

Claim Objections

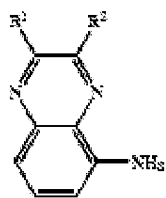
1. Claims 25 and 28-34 are objected to because of the following informalities: it is recommended to add "any one of" before "an aminoquinoxaline compound as defined in claim 1 or polyaminoquinoxaline compound as defined in claim 21". Appropriate correction is required.

Allowable Subject Matter

2. Claim 1-9 and 11-35 are allowable over the closest prior art: Nagasaki et al. (US 20030215701).

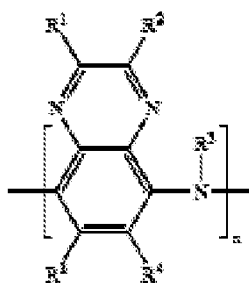
As to claims 1 and 21, Nagasaki al. discloses (0049):

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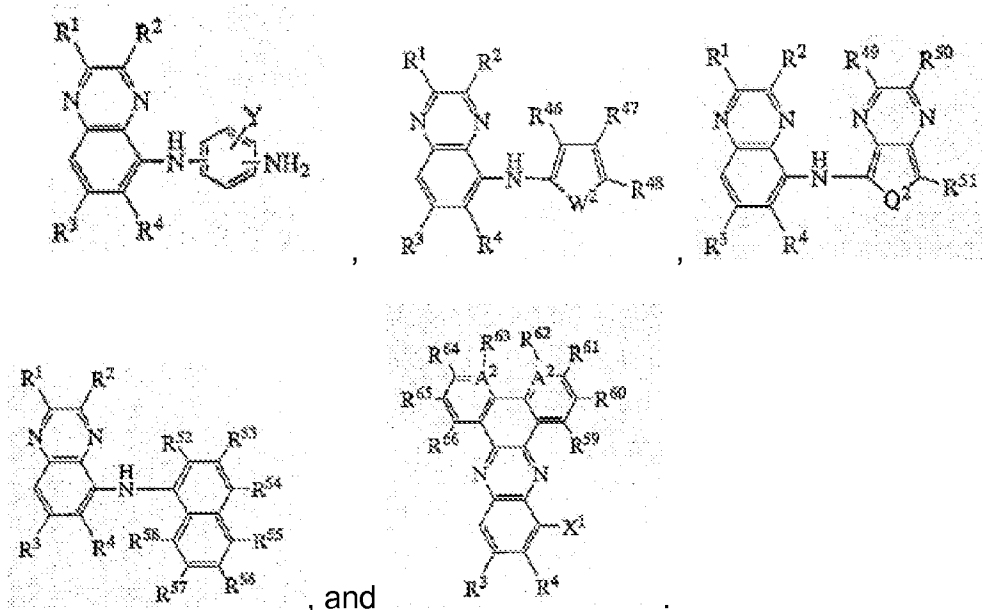


and polyaminoquinoxalines with the following generic formula

(Abs.) structurally different from the claimed invention in claims 21, wherein the quinoxaline moiety are one the main chain with -NH-R-NH- or -NH-R- (R can't be H, R^5 can be H):

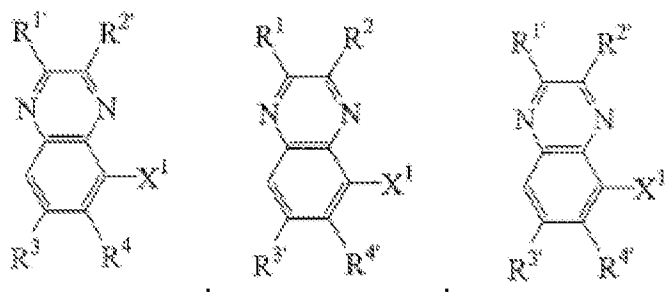


Current claims 1 and 11-14 are represented by:



Current claims 15-17 are represented by:

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, wherein R¹ and R², R³ and R⁴ are required to be joined together.

Therefore, claims 1, 11-17, and 21 are allowable together with its dependent claims 2-9, 18-20, and 22-35.

Response to Arguments

The applicant's argument has been fully considered and partially persuasive.

As set forth in this action, all previous rejections over prior arts have been withdrawn.

The applicant has argued the previous provisional ODP rejection is not appropriate over a later filed copending 10/588232. The examiner disagrees. If two (or more) pending applications are filed, in each of which a rejection of one claimed invention over the other on the ground of provisional ~~nonstatutory~~ double patenting (ODP) is proper, the ~~provisional~~ ODP rejection will be made in each application. If the ~~provisional~~ ODP rejection is the only rejection remaining in the earlier-filed of the two pending applications, (but the later-filed application is rejectable on other grounds), the examiner should then withdraw ~~the provisional ODP~~ rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. If the ~~provisional~~

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ODP rejection is the only rejection remaining in the later-filed application, (while the earlier-filed application is rejectable on other grounds), a terminal disclaimer must be required in the later-filed application, before the >provisional< ODP rejection can be withdrawn. If the >provisional< ODP rejections in both applications are the only rejections remaining in those applications, the examiner should then withdraw the >provisional< ODP rejection in the earlier-filed application thereby permitting that application to issue without need of a terminal disclaimer. A terminal disclaimer must be required in the later-filed application before the >provisional< ODP rejection can be withdrawn and the application be permitted to issue. See MPEP- 1490 (V). D.

Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANE FANG whose telephone number is (571)270-7378. The examiner can normally be reached on Mon.-Thurs. 8 a.m. to 6:30 p.m. EST.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/RANDY GULAKOWSKI/
Supervisory Patent Examiner, Art Unit 1796